

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRIAN HAMMER,

Defendant.

No. 2:02-cr-00353-GEB

ORDER DENYING IFP APPLICATION

On October 13, 2015, Defendant filed, in pro per, an "Application to Proceed in District Court without Prepaying Fees or Costs" ("IFP Application"). (ECF No. 138.) Although so captioned, this filing is construed as a motion to proceed *in forma pauperis* on appeal since it was filed on the same day that Defendant filed a Notice of Appeal, (ECF No. 137), and nothing is pending decision in this court.

Federal Rule of Appellate Procedure 24(a)(1) prescribes:

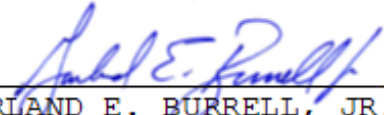
[A] party to a district-court action who desires to appeal in forma pauperis must file a motion in the district court. The party must attach an affidavit that: (A) shows . . . the party's inability to pay or to give security for fees and costs; (B) claims an entitlement to redress; and (C) states the issues that the party intends to present on appeal.

Defendant's IFP Application concerns only his financial status; Defendant does not "claim[] an entitlement to redress" or

1 "state[] the issues that [he] intends to present on appeal" in
2 his IFP Application. Fed. R. App. P. 24(a)(1). Therefore,
3 Defendant's IFP Application is DENIED.

4 The Clerk shall immediately notify the Court of Appeals
5 of this denial of Defendant's motion to proceed on appeal *in*
6 *forma pauperis* as required by Federal Rule of Appellate Procedure
7 24(a)(4)(A).

8 Dated: December 22, 2015

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13 GARIAND E. BURRELL, JR.
14 Senior United States District Judge
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